



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

MARC STOUT, *et al.*,

Plaintiffs,

v.

Civil Action No. 3:08CV110

MIDDLE RIVER REGIONAL JAIL,

Defendant.

**MEMORANDUM OPINION**

By Memorandum Order entered on February 27, 2008, the Court conditionally docketed the action. At that time, the Court directed each plaintiff to submit a statement under oath or penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

*See* 28 U.S.C. § 1915(a)(1). The Court provided each plaintiff with an *in forma pauperis* affidavit form for this purpose.

Additionally, the Court directed each plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned each plaintiff that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in their summary dismissal as a party to the action.

Derrick Massie has not complied with the orders of this Court. Massie has failed to return a completed *in forma pauperis* affidavit form and the consent to collection of fees. As a result, he has not qualified for *in forma pauperis* status. Furthermore, Massie has not paid the statutory filing fee for the instant complaint. *See* 28 U.S.C. § 1914(a). Such actions demonstrate

a wilful failure to prosecute. *See* Fed. R. Civ. P. 41(b). Accordingly, Massie will be DISMISSED as a party to the present action.

An appropriate Order shall issue.

/s/

**James R. Spencer**  
**Chief United States District Judge**

Date: 4-23-08  
Richmond, Virginia